IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 28584 of 2007(C)

(I.A NOS. 1282/2007 & 1283/2007 IN IA NO. 44/07 IN OS NO. 60/06 AND E.A. NO. 318/07 IN EP NO. 66/07 IN OS NO. 60/06 ON THE FILE OF THE MUNSIFF'S COURT, KOYILANDY)

PETITIONER:

BABU KARUVOTH, S/O. ARUMA,
AGED 36 YEARS, L.I.C. ASSISTANT, L.I.C. OFFICE,
PERAMBRA, NOCHAD VILLAGE, KALPATHUR DESOM,
KOYILANDY, KOZHIKODE DISTRICT.

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS:

C.RAVEENDRAN, S/O. KUNHIKELAPPAN,
'SNEHA', MELUR, KOYILANDY, KOZHIKODE DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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M.N.KRISHNAN, J

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W.P.(C) No.28584 OF 2007

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Dated this the 3rd day of October 2007

JUDGMENT

This writ petition is filed to set aside Exts.P3 to P6 orders passed by the Munsiff's Court, Koyilandy. I am informed that an application for setting aside the ex parte decree was filed as I.A.No.44 of 2007, which was allowed by the court on terms. The petitioner did not pay the amount and therefore the said I.A was dismissed. In order to review that order I.A.No.1283/2007 was filed with a petition to condone the delay (I.A.No.1282/2007). In order to review an order, (1)there must be an error apparent on the face of the record, (2) the person was not in a position to produce the materials in spite of due diligence and (3) for any other sufficient reasons. In spite of showing indulgence to the petitioner and allowing the case by setting aside the ex parte decree, the petitioner did not move the court nor to make any payment, but only filed an application to review the order with a long delay. I find that the court below had approached the matter only in the proper perspective and dismissed the application.

Therefore, the writ petition lacks merit and the same is dismissed. At the same time, if the petitioner has got remedy elsewhere against the dismissal of the application this order will not preclude him from challenging the same and further in order to enable him to move appropriate authorities, I direct the court below to defer the attachment of salary for a period of two months.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-